

AMENDED IN SENATE APRIL 9, 2003

**SENATE BILL**

**No. 214**

**Introduced by Senator Morrow**  
*(Principal Coauthor: Assembly Member Bates)*

February 13, 2003

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An act to add Sections 13389.1 and 13389.2 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 214, as amended, Morrow. Waste discharge requirements: municipal separate storm sewer systems.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of ~~storm water~~ *stormwater* by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act, and the Porter-Cologne Water Quality Control Act.

This bill would require the state board and the regional boards to prescribe and enforce waste discharge requirements for municipal separate storm sewer systems that conform to the "maximum extent practicable" standard set forth in the Clean Water Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13389.1 is added to the Water Code, to  
2 read:

1 13389.1. (a) Notwithstanding any other provision of this  
2 division, the state board and the regional boards shall prescribe and  
3 enforce waste discharge requirements for municipal separate  
4 storm sewer systems that conform to the “maximum extent  
5 practicable” standard set forth in subsection (p) of Section 1342  
6 of Title 33 of the United States Code.

7 (b) For the purpose of carrying out subdivision (a), the state  
8 board and regional boards may prescribe waste discharge  
9 requirements relating to management practices, control  
10 techniques, system design, engineering methods, and other  
11 requirements that the state determines to be appropriate for the  
12 control of discharges of pollutants from municipal separate storm  
13 sewer systems, if those requirements do not exceed the standards  
14 prescribed in subdivision (b) of Section 13389.2.

15 SEC. 2. Section 13389.2 is added to the Water Code, to read:

16 13389.2. (a) The Legislature finds and declares that the  
17 maximum extent practicable standard set forth in subsection (p) of  
18 Section 1342 of Title 33 of the United States Code, that is required  
19 in Section 13389.1 to be the performance standard imposed by the  
20 state board and the regional boards for permits for discharges from  
21 municipal separate storm sewer systems, is a lessor standard than  
22 the standard established by subparagraph (C) of paragraph (1) of  
23 subsection (b) of Section 1311 of Title 33 of the United States  
24 Code.

25 (b) The “maximum extent practicable” standard means the  
26 maximum degree of pollutant reduction achievable through the  
27 application of practical, technologically feasible, and  
28 economically achievable best management practices, including  
29 but not limited to, pollution control techniques and system design,  
30 and engineering methods. Technologically feasible and  
31 economically achievable best management practices are those  
32 practices that satisfy all of the following criteria:

33 (1) Demonstrate effectiveness in removing pollutants of  
34 concern.

35 (2) Demonstrate compliance with subsection (p) of Section  
36 1342 of Title 33 of the United States Code.

37 (3) Demonstrate the support and acceptance of the public  
38 served by those best management practices.

1 (4) Demonstrate a reasonable relationship between the cost of  
2 the best management practice and the pollution control result to be  
3 achieved.

4 (5) Demonstrate technological feasibility to effect the intended  
5 pollutant removals, considering soils, geography, topography,  
6 water resources, and such other limiting physical conditions as  
7 may exist.

8 (6) Demonstrate economical achievability through the  
9 identification of available funding sources or through a proposed  
10 funding plan, or both, considering the need for the continuation of  
11 existing municipal services and the application of legal restrictions  
12 for approval of new sources of funding, consistent with the state  
13 law and federal regulatory requirements prescribed under  
14 subsection (d) of Part 122.26 of Title 40 of the Code of Federal  
15 Regulations.

